

**ASSEMBLY BILL**

**No. 100**

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**Introduced by Assembly Member Alejo**

January 8, 2015

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An act to add Section 8924.7 to, and to add Chapter 1.5 (commencing with Section 8050) to Division 1 of Title 2 of, the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 100, as introduced, Alejo. California Law Fellowship Program.

Existing law authorizes certain internship and fellowship programs, as specified.

This bill would establish the California Law Fellowship Program for the purpose of offering licensed attorneys and other qualifying law school graduates limited-term placements in public sector positions within state government and encouraging each participant to seek permanent public-sector employment at the conclusion of his or her fellowship, as specified.

Existing law, commonly known as the Code of Ethics, prohibits a Member of the Legislature or an employee of either house of the Legislature from receiving or agreeing to receive, directly or indirectly, any compensation, reward, or gift from any source except the State of California for any service, advice, assistance, or other matter related to the legislative process, except for specified circumstances.

This bill would provide that the services of a participant in the California Law Fellowship Program are not compensation, a reward, or a gift to a Member of the Legislature for purposes of the so-called Code of Ethics. The bill would also provide that a participant in the

program is not an employee of either house of the Legislature for purposes of the Code of Ethics.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) California has the eighth largest economy in the world, and  
4 its laws have a far-reaching impact on individuals, entities, and  
5 organizations within the state and throughout the world.

6 (b) Because of its extraordinary economic impact and leadership  
7 on timely issues, California's statutory framework and legal  
8 structures have a national and global impact.

9 (c) Rapid technological and societal advances require the  
10 development of public policy in new and evolving areas.

11 (d) State government officials must make informed policy  
12 decisions about issues that have increasingly complex and  
13 interrelated legal components.

14 (e) California is home to some of the world's most prestigious  
15 universities and law schools.

16 (f) California is currently facing one of the largest surpluses of  
17 recent law school graduates in the nation, and the unique education  
18 and training of these skilled graduates could greatly assist the state  
19 government in its work.

20 (g) Only approximately 5 percent of attorneys nationwide work  
21 for state governments, meaning that the nation's state governments  
22 derive insufficient benefit from those attorneys' legal training and  
23 expertise.

24 (h) The establishment of a law fellowship program in California  
25 will enable the state to capitalize on the experience of its law school  
26 graduates for the betterment of its government.

27 SEC. 2. Chapter 1.5 (commencing with Section 8050) is added  
28 to Division 1 of Title 2 of the Government Code, to read:  
29

30 CHAPTER 1.5. CALIFORNIA LAW FELLOWSHIP PROGRAM  
31

32 8050. (a) The California Law Fellowship Program is hereby  
33 established.

1 (b) The purpose of the program is to offer licensed attorneys  
2 and other qualifying law school graduates limited-term placements  
3 in public sector positions within state government. The program  
4 shall provide each participant with the opportunity to work in the  
5 public sector and shall encourage each participant to seek  
6 permanent public-sector employment at the conclusion of the  
7 fellowship.

8 (c) A participant's placement with a state agency shall be  
9 contingent on that agency's acceptance of the participant, according  
10 to criteria adopted by the participating state agency for purposes  
11 of the program.

12 (d) (1) It is the intent of the Legislature that participation in the  
13 program by an attorney or other qualifying law school graduate,  
14 by a state agency, or by a public official within a state agency shall  
15 not constitute a gift of public money or thing of value for purposes  
16 of Section 6 of Article XVI of the California Constitution, a gift  
17 for purposes of the Political Reform Act of 1974 (Title 9  
18 (commencing with Section 81000)), or a gift, bequest, or favor for  
19 purposes of the Code of Judicial Ethics adopted pursuant to  
20 subdivision (m) of Section 18 of Article VI of the California  
21 Constitution.

22 (2) To the extent feasible, the program shall be designed and  
23 administered to accomplish the Legislature's intent as specified  
24 in this subdivision.

25 (e) State funds shall not be used to administer the program.

26 (f) For purposes of this section:

27 (1) "Program" means the California Law Fellowship Program.

28 (2) "Qualifying law school graduate" means a recipient of a law  
29 degree from a law school accredited by the American Bar  
30 Association.

31 SEC. 3. Section 8924.7 is added to the Government Code, to  
32 read:

33 8924.7. (a) The Legislature finds and declares that the  
34 California Law Fellowship Program, established pursuant to  
35 Chapter 1.5 (commencing with Section 8050) of Division 1,  
36 establishes a formal fellowship program that provides substantial  
37 public benefits to the Legislature as a participating state agency.

38 (b) The services of a participant in the California Law  
39 Fellowship Program, whose placement with the Legislature is  
40 accepted by the Senate Committee on Rules, the Assembly

1 Committee on Rules, or the Joint Committee on Rules, as  
2 appropriate, are not compensation, a reward, or a gift to a Member  
3 of the Legislature for purposes of paragraph (4) of subdivision (b)  
4 of Section 8920.

5 (c) A participant in the California Law Fellowship Program,  
6 whose placement with the Legislature is accepted by the Senate  
7 Committee on Rules, the Assembly Committee on Rules, or the  
8 Joint Committee on Rules, as appropriate, is not an employee of  
9 either house of the Legislature for purposes of this article.